

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Berez et al.

Application No.: 10/724,010

Group No.: 3733

Filed: November 25, 2003

Examiner: Philogene, P.

For: Patient Selectable Joint Arthroplasty Devices and Surgical Tools Facilitating Increased Accuracy, Speed and Simplicity in Performing Total and Partial Joint Arthroplasty

Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C.F.R. § 1.114)**

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

TIME REQUEST IS BEING MADE

2. This request is being submitted:
 - i. Prior to abandonment of the application

ENCLOSURES

3. Enclosed herewith are:

An amendment

Other: Request and Fee Deleting Incorrectly Named Persons Who are Not Inventors of Invention Now Being Claimed (37 C.F.R. § 1.48(b))

FEE FOR REQUEST (37 C.F.R. § 1.17(e)).

4. This application is on behalf of small entity (and status is still as small entity).

Continued Prosecution Request Fee: 405.00

FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	101	—	94	= 7 x \$	26.00	= \$	182.00
INDEP.	1	—	5	= 0 x \$	110.00	= \$	0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$	195.00	= \$	0.00
				TOTAL ADDIT. FEE		\$	182.00

Total additional fee required is \$182.00

EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for three months:

Fee: \$555.00

TOTAL FEE(S) DUE

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e))	\$405.00
Fee(s) for additional claims (Section 1.16(b)-(d))	\$182.00
Extension of time fee (Section 1.17(a)(1)-(4))	\$555.00
Deletion of Inventors (Section 1.48(b))	\$130.00

Total Fee(s) Due: \$1,272.00

PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

Charge Account 19-4972 the sum of \$1,272.00.

Please charge any required additional fee(s) for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to Account 19-4972.

INVENTORSHIP

9. This application as amended names as inventors fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.

Date: November 4, 2008

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02960/00116 963208.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Berez et al.	Att'y Docket:	2960/116
Appln. No.:	10/724,010	Filing Date:	November 25, 2003
Customer No.:	75059	Conf. No.:	7525
Examiner:	Philogene, P.	Art Unit:	3733
Invention:	Patient Selectable Joint Arthroplasty Devices and Surgical Tools Facilitating Increased Accuracy, Speed and Simplicity in Performing Total and Partial Joint Arthroplasty		

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RESPONSE E

Dear Sir:

This response is being filed along with a Request for Continued Examination and is responsive to the final Office Action mailed May 5, 2008. The applicants respond as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 10 of this paper.